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23 **UNITED STATES DISTRICT COURT**
24 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

25 NATURAL RESOURCES DEFENSE COUNCIL, *et al.*,

26 Plaintiffs,

27 v.

28 KIRK RODGERS, as Regional Director of the
UNITED STATES BUREAU OF RECLAMATION,
et al.

Defendants,

ORANGE COVE IRRIGATION DISTRICT, *et al.*,

Defendants-Intervenors.

Case No.
CIV-S-88-1658 LKK/GGH

~~PROPOSED~~ LKK
ORDER APPROVING
STIPULATION OF SETTLEMENT

1 Plaintiffs NRDC, *et al.* ("Plaintiffs"), defendants Kirk. Rodgers, *et al.* (the "Federal
2 Defendants"), and defendants-intervenors Orange Cove Irrigation District, *et al.* (the "Friant
3 Defendants") have jointly requested approval by this Court of a proposed settlement of this litigation
4 on the terms and conditions set forth in the Stipulation of Settlement (including Exhibits A – F thereto,
5 which are incorporated by reference as part of the Stipulation of Settlement). The Court, which has
6 presided over this complex case for the past 18 years and is intimately familiar with the issues and the
7 parties' positions with respect thereto, has carefully reviewed the Stipulation of Settlement, and the
8 arguments of counsel for the parties.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulation of
11 Settlement, attached hereto as Exhibit 1 and incorporated herein by reference, be and hereby is
12 approved.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all obligations set
14 forth in the Stipulation of Settlement shall be performed in accordance with the terms of the
15 Stipulation of Settlement.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall
17 retain jurisdiction, as provided in the Stipulation of Settlement, for purposes of resolving disputes that
18 may arise in connection with the interpretation of the Stipulation of Settlement or the implementation
19 of the settlement. This Court's continuing jurisdiction shall continue until the later of (i) July 1, 2026,
20 or (ii) a motion is brought pursuant to Paragraph 20 of the Stipulation of Settlement, and the matter is
21 finally resolved as provided therein. In the event that a party exercises its right under Paragraph 8 of
22 the Stipulation of Settlement prior to that date to declare the settlement provided therein void, the
23 Judgment shall be vacated, and the Court will convene a Status Conference.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiffs and
25 the Friant Defendants are directed to meet and confer concerning the selection of the Restoration
26 Administrator, as provided in the Stipulation of Settlement and Exhibit D thereto, and to submit a
27 Proposed Order Appointing Restoration Administrator to the Court for approval as provided in the
28 Stipulation of Settlement and Exhibit D thereto.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
2 parties shall attempt to negotiate an award of Plaintiffs' reasonable attorneys' fees and
3 costs as provided in Paragraph 45 of the Stipulation of Settlement. To facilitate such negotiations,
4 and notwithstanding the time limit of Local Rule 54-292(b), Plaintiffs may file a Notice
5 of Motion and Motion for Attorneys' Fees and Costs within 30 days of the entry of the
6 Judgment in this action in order to meet the timeliness requirements of 28 U.S.C. §
7 2412(d)(1)(B) and Local Rule 54-293; provided, however, within 60 days thereafter, if
8 agreement has not been reached among the parties as to Plaintiffs' Motion for Fees and
9 Costs, then Plaintiffs shall file a brief and supporting materials addressing the remaining
10 requirements for a motion for attorneys' fees and costs as provided in Local Rules 54-293
11 and 54-292. The Federal Defendants and Friant Defendants may have 30 days following
12 service of Plaintiffs' brief and supporting materials to file papers in opposition, in whole
13 or in part, to Plaintiffs' Motion for Fees and Costs. Plaintiffs may file reply papers within
14 14 days of service of any opposition papers. Any amount of Plaintiffs' attorneys' fees and
15 costs not resolved by negotiations among the parties shall be determined by the Court
16 through a separate Order on Plaintiffs' Motion.

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18
19 DATED: 10/23/06


THE HONORABLE LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE